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Nantucket Lands and Land Owners

v. 2, no. 2

BY

HENRY BARNARD WORTH.

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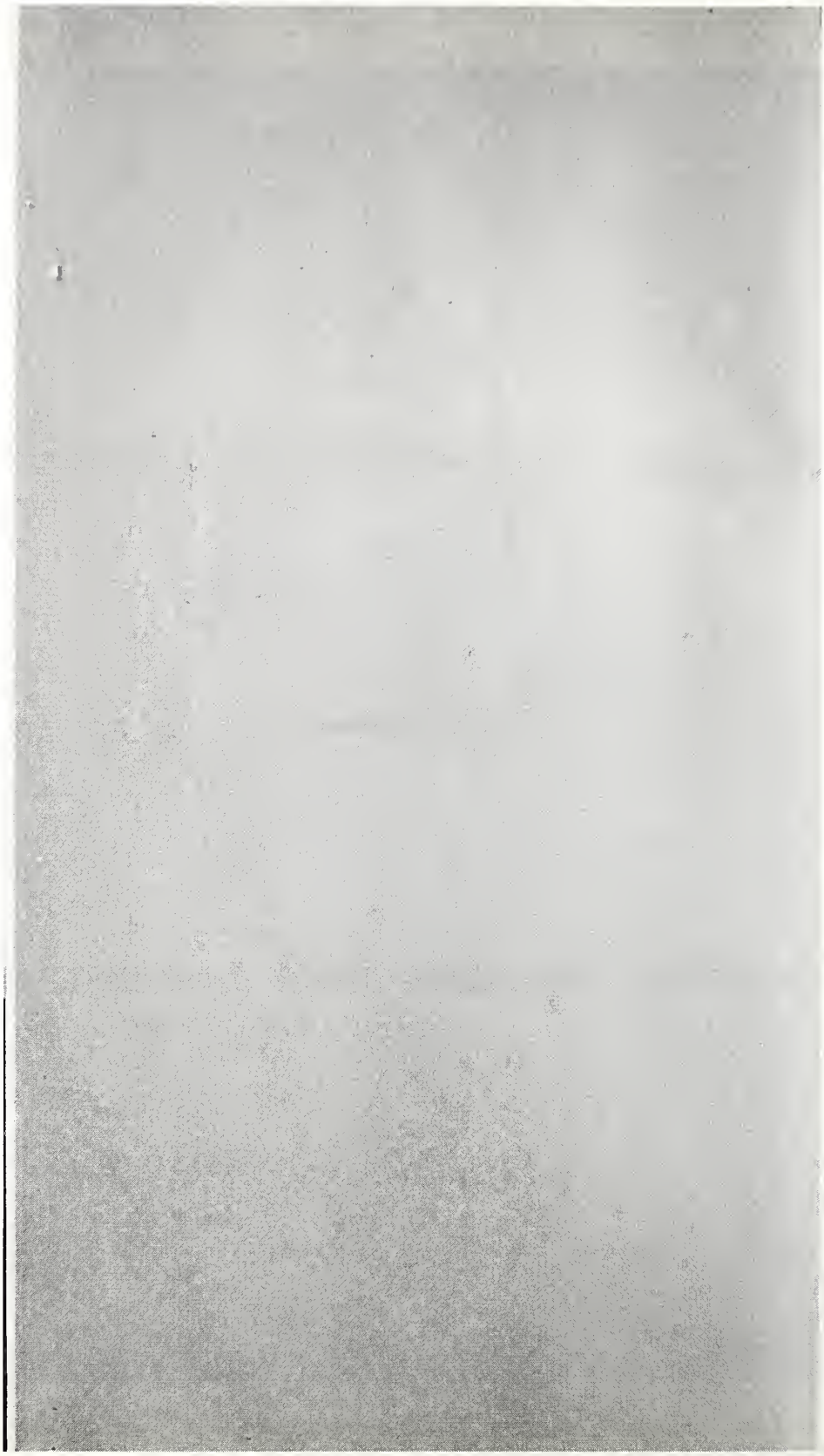

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CHAPTER IV.

The Settlers and Their Homes.

Richard Gardner built his house on the west side of Sunset hill in 1665, and it was the easternmost of that date. To the west, dotted over the landscape were the homes of the other settlers.

The deed from Mayhew to the first purchasers was dated July 2, 1659. The consideration to be paid was £30 in money and two beaver hats which, for convenience, may be valued at £5 each. Then the twenty purchasers would have to pay £2 each, for 1,500 acres at the rate of slightly over a farthing per acre.

It will be observed that the date is July 2nd, 1659. But in February of that year three purchasers were holding meetings in Salisbury and enacting regulations about their island purchase.

"At Salisbury, February, '59.

At a meeting of the sd purchasers or the major pt of them appved and alowed by the rest together with some others that were owned for associates as will hereafter appe, it was agreed and determined and app'ved as followeth: that these ten owners will amitt of ten more ptners who shall have equal power and interest with themselves: And that either of the purchasers forementioned shall have liberty to take a ptner whom he please not being justly excepted against by the rest: At that meeting Robbert Pyke was owned ptner with Christopher Hussey; Robert Bernard was owned ptner with Thomas Ber-

nard; Tristram Coffin Jun. ptner with Stephen Greenleafe and James Coffin ptner with Peter Coffin.

At the same meeting it was mutually and unanimously agreed upon determined and concluded that no man whatsoever shall purchase any land of any of the Indians upon the sd island for his owne or other private or particular use; But what whatsoever purchase shall be made shall be for the generall accompt of the twenty owners or purchasers; And whatsoever P'son shall purchase any land upon any other accompt it shall be accompted voyd and null except what is done by licence from the said owners or purchasers.

At the same meeting it was ordered and determined that there be ten other Inhabitants admitted into the plantation who shall have such accomodations as the owners or purchasers shall judge meet: as namely necessary tradesmen and seamen.

At a meeting of the owners of the Island of Nantukket Salisbury it was debated and after debate determined and concluded that as ther had bin a former meeting in Salisbury at the house of Benjamen Kemball in Feb. 6:59 in which meeting an order was made for ye p'hibitting of any p'son from the purchaseing of any land from any of the Indians upon the Ile of Nantukket except for the use of the twenty owners or purchasers: the order shall stand inviolable and unalterable, as that which is also lately necessary to ye continuance of the well-being of the place and the contrary that which tends to ye confusion and ruine of the whole and the subverting of the rule and order already agreed upon and the depriveing of ye sd owners of their just rights and interests. Also it was ordered at the same meeting that all the lands that is fit for Areable land convenient tor houselots shall be forthwith measured that the quantity thereof may be known, which being done shall be divided by equal pportion; that is to say foure

fifths pts to ye owners or purchasers and ye other fifth pt unto the ten other Inhabitants, where of John Bishop shall have two pt or shares that is to say of that fifth pt belonging to ye ten Inhabitants.

Also at the same meeting it was ordered that Tristram Coffin, Thomas Macy, Edward Starbuck, Thomas Bernard and Peter Ffoulger of Martha's vineyard shall have power to measure and lay out the sd land according to ye above sd order and whatsoever shall be done and concluded in ye sd case by them or any three of them Peter Ffoulger being one shall be accompted legall and valid."

The only explanation of these proceedings is that Macy and Coffin made a contract in 1658 to buy Nantucket from Mayhew, but refused to accept the deed until the latter had obtained a conveyance from the Indians. Mayhew succeeded in procuring a grant from the sachems, June 21, 1659, and within two weeks, the English purchasers had their deed.

An inquiry always arises why did Macy, Coffin, Starbuck and their associates purchase Nantucket? The fanciful story about Macy escaping from the banks of the Merrimac in an open boat and drifting to Nantucket is without basis of fact.

The records indicate that the three men above named, found their environment in Massachusetts Bay, far from congenial. Starbuck was an elder in a church in Dover, where he had trouble on account of his views concerning baptism. Macy had been arrested and charged with violating town regulations in Salisbury, and so had Coffin's wife. It is likely therefore, that they were ready to remove to a more liberal neighborhood. Mayhew had all the land he needed at the Vineyard and was ready to sell Nantucket, where he had occasionally tarried to preach to the Indians. This was likely the moving cause that suggested the purchase of Nantucket.

When it was discovered that sheep raising could be conducted profitably, the Colemans were asked to join the company on account of their experience with sheep. The records give no intimation why the Swains and Barnards were invited. But all the others were related to one or more of the leading six. Macy was a cousin of Mayhew and may thus have learned of Nantucket.

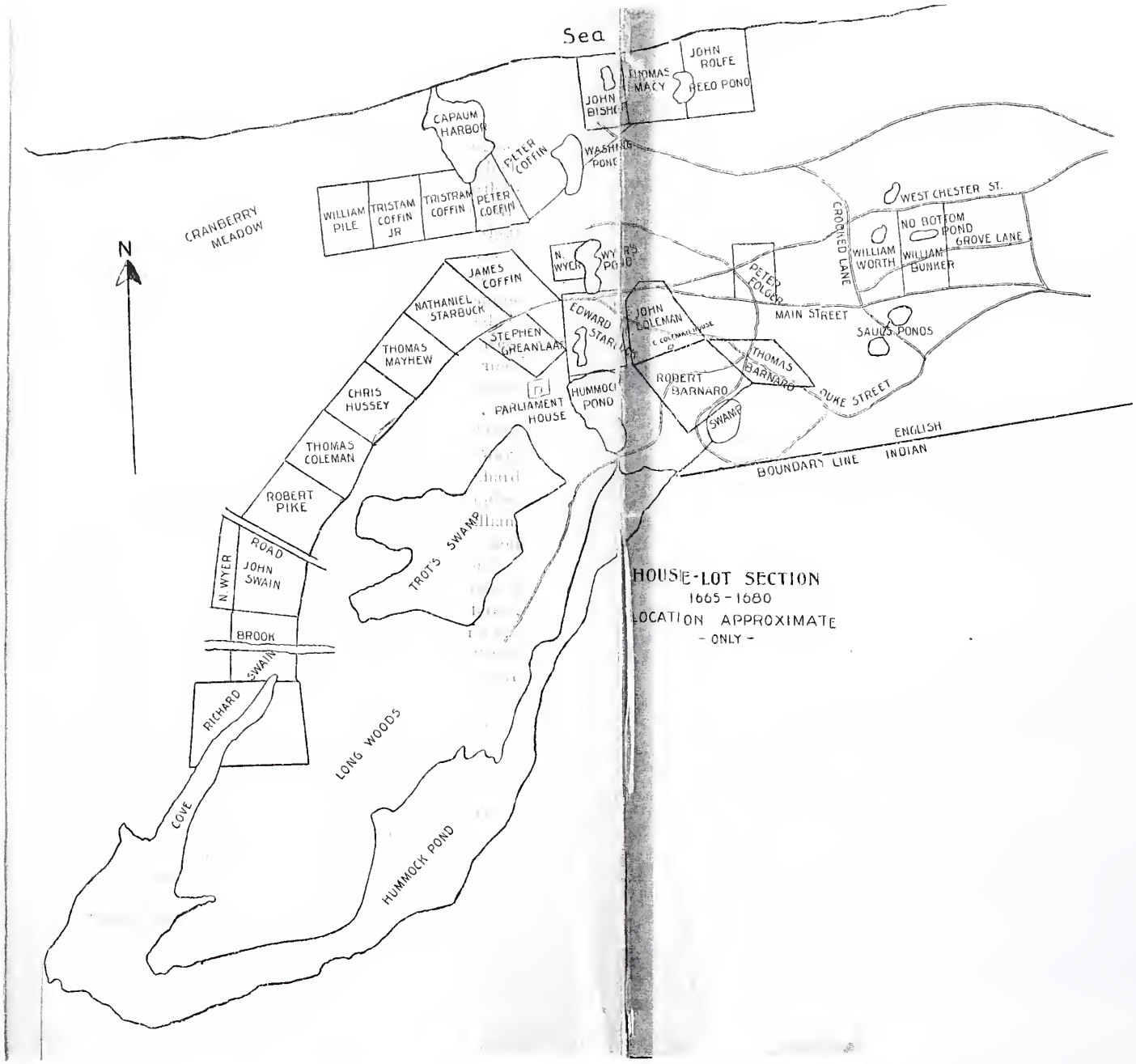
When the first Indian deed was given, Macy and Edward Starbuck were on the Island, and the latter was there the next winter.

Some errors have been allowed to pass for fact in relation to the locality where the English established their houses. Dr. Ewer's maps states that the Town was first settled at Maddaket. The records clearly indicate that the facts were otherwise. There are two references to an old cellar of Edward Starbuck near Long pond, one in 1670 and the other in 1674. This cellar was located just where Dr. Ewer designates the site of the first town. The reader will agree from what will immediately be shown, that in the early summer of 1661, the settlers left Massachusetts Bay and selected houselots along the chain of ponds from Cappam Harbor to the sea They never selected houselots nor built houses at Maddaket. The fact undoubtedly is, that the old cellar had a house over it where Starbuck and other settlers lived when they were on the Island until the arrival of the "company."

The names of the first ten purchasers are given in the following record:

"Towne ordered
The 2d of July, 1659.

These ptyes after mentioned did buy all right and Interest———of the Iles of Nantukket that did belong to Sir Fferdinand Georges, and the Lord Sterling. Mr.


Sea
JOHN BISHOP
THOMAS MACY
JOHN ROLFE
REED POND
CAPAUM HARBOR
PETER COFFIN
WASHING POND
WILLIAM PILE
TRISTAM COFFIN JR
TRISTRAM COFFIN
PETER COFFIN
CRANBERRY MEADOW
N
N. WYER
WYER POND
JAMES COFFIN
NATHANIEL STARBUCK
STEPHEN GREENLAAF
EDWARD STARBUCK
JOHN COLEMAN
C. COLEMAN'S HOUSE
PETER FOLGER
CROOKED LANE
WEST CHESTER ST.
NO BOTTOM POND
GROVE LANE
WILLIAM WORTH
WILLIAM BUNKER
MAIN STREET
SAULS PONDS
THOMAS MAYHEW
THOMAS BARNARD
ROBERT BARNARD
DUKE STREET
CHRIS HUSSEY
PARLIAMENT HOUSE
HUMMOCK POND
SWAMP
ENGLISH INDIAN
BOUNDARY LINE
THOMAS COLEMAN
ROBERT PIKE
ROAD
N WYER
JOHN SWAIN
TROT'S SWAMP
BROOK
SWAIN
RICHARD
LONG WOODS
COVE
HUMMOCK POND
HOUSE-LOT SECTION
1665-1680
LOCATION APPROXIMATE
- ONLY -

Richard Vines steward gen: to Sir Fferdinando Georges; and James Fforrett Steward to the Lord Sterling, which was by them sold unto Mr. Thomas Mayhew of Martha's vinyard; these aftermentioned did purchase of Mr. Thomas Mayhew these rights: namely the pattent right belonging to the Gentleman aforesaid and also the pcel of land which Mr. Mayhew did purchase of the Indians, at the west end of the Ile of Nantukket, as by their graunt or bill of sale will largely appear: with all the priviledges and appurtenances thereof: the aforementioned purchasers are Tristram Coffin Sen; Thomas Macy, Richard Swaine, Thomas Bernard, Peter Coffin, Christopher Hussey, Stephen Greenleafe, John Sawine and William Pile, the said Mr. Thomas Mayhew himself also became a Twentieth pt purchaser: so that they viz: Mr. Thomas Mayhew, Tristram Coffin Sen. Thomas Macy, Richard Swaine, Thomas Bernard, Peter Coffin, Christopher Hussey, Stephen Greenleafe, John Sawine and William Pile had the whole and sole interest, disposal, power and priviledge of the sd island and appurtenances thereof."

The first ten purchasers were allowed, each to invite a partner in the enterprise. William Pile sold his interest, one-half to John Bishop and the other to the Bunker children, whose mother had married Richard Swain. When this arrangement was completed the twenty owners were as follows:

Tristram Coffin,	Tristram Coffin, Jr.,
Thomas Macy,	Edward Starbuck,
Richard Swain,	John Smith,
Thomas Barnard,	Robert Barnard,
Peter Coffin,	Nathaniel Starbuck,
Christopher Hussey,	Robert Pike,
Stephen Greanleafe,	James Coffin,
John Swain,	Thomas Coleman,
John Bishop,	Bunker children,
Thomas Mayhew,	Thomas Look.

The following records indicate that the removal to Nantucket took place between May 10 and July 15, 1661.

"May 10, 1661.

At a meeting at Salisbury it was ordered and concluded that the fore mentioned ptyes: viz. Tristram Coffin Sen.: Thomas Macy, Edward Starbuck, Thomas Bernard and Peter Ffoulger shall all measure and lay out all the rest of the lands both meadow wood and upland that is convenient to be appropriated within the bounds of the first plantation or township: also it is determined that ye above mentioned psons together with Mr. Mayhew, Richard Swaine, John Bishop or whatever other of the owners or purchasers that are there pr sent shall have power to determine what land is convenient to be imp'priated and lay'd out and what shall remaine common; and also to lay out the bounds of the town and record it p'vided always that the land being measured: they shall first lay out a convenient quantity of land with suiteable accomodations of all sorts which shall be p'etually reserved for publique use of the Town.

At the same meeting it was ordered that for ye Pticular appointing which lot every man shall have it shall be done by cutting lots excepting only these psons that have already taken up their lots: as namely Thomas Macy, Tristram Coffin Sen: Edward Starbuck and Richard Swaine.

At the same meeting Robert Pyke was appointed to keep ye records concerning the Ile of Nantukket at Salisbury and Thomas Macy to keepe the records at the yland as in the above sd order expressed: at pr sent untill farther order be taken by the owners or purchasers.

July 15, 1661:

At a meeting on Nantukket of the owners purchasers inhabiting Mr. Thomas Mayhew being pr sent and Peter

Ffoulger it was agreed and concluded that each man of the owners or purchasers shall have liberty to chuse his house lot on any place within ye limits not formerly taken up and that each house lot shall contain sixty rod square to a whole accomodation or share or the value of it."

These house lots comprised over 20 acres.

When the English settled on Nantucket they had the Mayhew deed and Indian deeds, that gave them the section west of Hummock Pond and north of a tract drawn from the north head of this pond to Monomoy. The section they selected for their house lots was near and on both sides of the chain of ponds from sea to sea.

At three periods in the early history of Nantucket it is possible to decide quite closely who were the inhabitants.

1. In July, 1661, when the settlers were drawing lots for house lots.

2. June 23, 1665, when all the sheep owners were ordered to select ear-marks for purposes of identifying sheep.

3. In August, 1678, when most of the inhabitants worked on the wreck of the French ship.

List of June 23, 1665.

Richard Swain,	Peter Folger,
John Swain, Jr.,	Stephen Coffin,
John Swaine,	Joseph Coleman,
Robert Barnard,	Richard Gardner,
Nathaniel Starbuck,	Eleazur Folger,
Captain Pyke,	Joseph Gardner,
Thomas Coleman,	Thomas Barnard,
Tristram Coffin, Sr.,	Nathaniel Barnard,
Peter Coffin,	Thomas Look,
Tristram Coffin, Jr.,	William Bunker,
James Coffin,	Samuel Bickford,

John Bishop,	John Coffin,
Thomas Carr,	Edward Cotter, (Cottle?)
Edward Starbuck,	Richard Pinkham,
Christopher Hussey,	John Trott,
Thomas Macy,	William Vaughn,
John Rolfe,	William Gayer.
William Worth,	

A list of sheep owners dated Sept. 3d, 1672, in addition to the above contains the names of John Hussey and Nathaniel Holland.

The list of those that worked on the French wreck in addition to names already mentioned are the following:

Stephen Hussey,	Tobias Coleman,
John Gardner,	William Rogers,
John Folger,	John Challenge,
	Moses Knapp.

When the purchasers were making arrangements to remove to Nantucket, they recognized the necessity of having the assistance of tradesmen who were skilled in the arts of weaving, building, milling and other pursuits. They secured the following:

Peter Folger, joiner, miller, interpreter.

Eleazer Folger, shoemaker and blacksmith.

Thomas Macy weaver; Joseph Gardner, shoemaker,

Samuel Streeter, tailor; William Worth, Joseph Coleman, John Gardner, Richard Gardner, and Nathaniel Holland, seamen. To each of these was granted a half share of land, providing they would reside at Nantucket and carry on the trade for not less than three years.

In the beginning, it should be understood that in giving the locality of the house lots of the early settlers, no more can be done than indicate a section more or less indefinite of dimensions over 1000 feet square, somewhere in which was located the homestead house. The difficulty in defining the limits is due to the fact that the bounds given

in the early layouts cannot be identified. Where the bounds are "swamp," "house," "fence," "rock," "hill," it is impossible to get a starting point. Frequently the relations of the lots to each other when examination of the map is had may suggest the location. This is the only way that the first house lots can be grouped around the swamp west of Hummock Pond. The fact should be kept in mind that the ownership of a house lot is no guarantee that there was always a house thereon. Houses were built almost anywhere by men who owned no land. And a man like Mayhew or Greenleaf who did not live on the Island had no use for one.

Barnard.

Robert Barnard went from Amesbury. His wife was Joan Harvey. He never held any office; in 1668, he sold his Nantucket interest to his son John. He died in 1682 leaving two sons and three daughters.

Thomas Barnard was brother of Robert. His wife's first name was Eleanor. In 1675, he sold his Nantucket lands to his son Nathaniel. He died probably in Salisbury in 1677, sixty-five years old. While he was a resident of Nantucket for some years, he never held office and is not mentioned as being present at any of its meetings.

Nathaniel Barnard, son of Thomas, married Mary, the daughter of Robert. He died in 1719, leaving eleven children and the largest estate that had been reported, being over £3000. He was very prominent in town and public affairs, having been chosen many times to serve in all the important offices.

He was a trader, and the court records show that he was fined in 1709 for selling liquor to the Indians.

East of the Elihu Coleman house is the Mill-Brook, and a short distance further east, on the south side of the road near a cluster of Willow trees, was once a house which was the homestead of Thomas Barnard. Directly across the road lived Nathaniel Barnard. The present road was merely a path for many years later. The house lot of Thomas Barnard on which the house of Nathaniel was located was about 1000 feet square, and southwest of it was the lot of Robert Barnard. These lots extended northeast and southwest, and comprised 20 acres each. The house of Robert cannot be exactly located, neither can the bounds of the lots be identified. But the high land between the mill-brook swamp and the Indian Boundary line was substantially comprised within the two Barnard lots.

Bickford.

Samuel Bickford is mentioned in the court records as keeping a disorderly house. He was a land owner by purchase in 1676, in the region near No Bottom Pond. He was a field driver in 1676.

In 1678 he was fined for leaving his house first day and going off in company "adrinking."

He sold his land in 1679 to Tobias Coleman and his name is not again found in the records.

Bishop.

John Bishop was a carpenter and went to Nantucket from Newbury. In 1677 he sold his house lot and share of land to Peter Coffin, and moved to Woodbridge, N. J. This first house lot was near the Lily Pond, but this he sold to Richard Gardner. Then he had a house lot containing about 20 acres on the west side of Reed Pond, and west of the house lot of Thomas Macy. He was one of

the first twenty purchasers, and was probably associated with them on account of his trade. He never held any town office.

Bunker.

George Bunker and his wife Jane were of French origin and lived in Dover, N. H. He died May 16, 1658, leaving five children, and his widow, the next year, married Richard Swain, and the entire family moved to Nantucket.

William married Mary, daughter of Thomas Macy.
Elizabeth married Thomas Look.
Mary married Stephen Coffin, son of Tristram.
Ann, married Joseph Coleman, son of Thomas.
Martha, married Stephen Hussey.

William Bunker was born 1648 and died in Nantucket in 1712, leaving eleven children. In the first layout of house lots, being a minor, his part was included in the portion allotted to Richard Swain; but a few years later he was given ten acres north from No Bottom Pond. It was bounded on the north by the road which is West Chester street extended, and was the first road established, and on the west by land of William Worth. After William Bunker died, the proprietors gave his heirs land in place of that taken for a town house. This indicates that the localities marked for church, town house and jail, were correct. These three public buildings were placed on the hill north from No Bottom Pond. At the west end of this hill was erected the first schoolhouse mentioned in the records. In 1686, William Bunker was appointed to keep the jail. He was a selectman twice and was given the work of building a mill in which he failed, and the job was finished by Tristram Coffin.

Carr.

Thomas Carr came from Salisbury but was not a land owner. His name does not appear in any subsequent proceeding. Over sixty years later a man of the same name died at Nantucket, but the records do not indicate whether they were related.

Cartwright.

Edward Cartwright came from New Hampshire and settled at Nantucket about 1673, when he purchased the interest of William Worth on Pacomo, which was afterwards confirmed by an Indian deed. He married Ruth ——— and died 1705, leaving five children.

He never held any office and was often fined for drunkenness, assault, disturbing the peace, selling rum, and for controversies with his Indian neighbors. Cartwright lived in 1680 on the harbor southwest of John Swain's.

Coffin.

Reference may be had for the history of this family to the excellent work of Allen Coffin, Esq.

Tristram Coffin's house lot was a tract of the usual dimensions, bounded on the north by Cappam Harbor. He called this region Northam or Cappamet. The spot where his house was placed is marked by a stone monument.

Tristram Coffin, Jr., was not connected with the history of Nantucket, but lived and died in Newbury. His house lot was directly west of his father's.

Peter Coffin, son of Tristram, by original grant and by purchase from John Bishop, finally owned the tract bounded by Thomas Macy's lot on the east and Tristram

Coffin's on the west and extending to the sea. In 1664, by a vote of the inhabitants, he was licensed to carry on trading with the islanders, and all others but "Nick Davis," who lived near the Atheneum were prohibited.

Lieut. John Coffin, son of Tristram, in 1677, was given, by his father, an interest in Nantucket. While at Nantucket he lived on his father's lot and at the death of the latter he removed to Marthas Vineyard where he died.

James Coffin was a man of high order of intellect, as is shown by the fact that he was over a dozen times elected selectman, was an assistant Magistrate, Judge of Probate and twice elected assessor, and was representative to the General Court. He had a warehouse east of the present Federal street. His house lot was on the hill to the westward of the Maxey's Pond. His house could be seen from the Parliament House about north. On the south of his house lot was that of Nathaniel Starbuck; according to the custome of those days, several of his children lived in houses near his own.

Stephen Coffin was a selectman over ten years, and received from his father in 1677 a deed of half of Tristram's land. He finally owned the whole of his father's house lot at Cappam Harbor. He was Pound Keeper probable because he lived near by. He was to have 2d each time he turned the key to lock or unlock the gate. His house was one of the two built by his father.

Coleman.

The following is from the records in Newbury in November, 1635. "Whereas Thomas Coleman was connected with Richard Saltonstall and other gentlemen in England and here for the keeping of horses and sheep in a general place for the space of three years, and now

since his coming thither has been negligent in discharging the trust committed to him, absenting himself for a long time from the said cattle and neglecting to provide for them by reason whereof many of said cattle are already dead and more damage likely to come to said gentlemen, it is therefore ordered that it shall be lawful for the said gentlemen to decide the oats and hay provided, among said cattle among themselves, and every one take care of their own during the winter."

Coleman moved from Newbury to Hampton, New Hampshire and afterward to Amesbury. He was probably invited to go to Nantucket because of his knowledge of sheep raising. Neither he nor his sons ever held any town office, but they were frequently directed by the town to take in charge matters relating to sheep and cattle.

His wife was Susanah. He died 1687, 85 years old, and left Tobias, Benjamin, Joseph, John, Isaac, Johanna, and Mary.

His house lot was 1000 feet square, bounded on the north by the lot of Christopher Hussey, on the east by the Long Woods and on the south by the lot of Capt. Pyke. Upon his decease, this house and lot descended to his son Tobias. This house lot was about half a mile southwest from the north head of the Hummock Pond, "Long Woods" nearest Trotts Swamp.

Joseph Coleman, son of Thomas was born 1642 and died 1690, leaving a daughter Ann who married Edward Allen of Piscataqua. Coleman married Ann Bunker, daughter of George. His house lot was located at the "High Cliff," which probably meant the section to the westward of the house of Charles O'Connor.

Tobias Coleman, son of Thomas, married Lydia, daughter of Margery Osborne. Upon the death of his

father he returned to Newbury, where he died. While at Nantucket he occupied his father's house lot.

John Coleman, another son of Thomas, married Joanna, daughter of Peter Folger and died 1715, at the age of 71, leaving eight children. His house lot was a little west of Elihu Coleman's house and extended southeast to Robert Barnard's, and comprised ten acres.

Edward Cottle came from Salisbury but was not included among the land owners.

John Challenge was frequently before the court for fighting in 1678. He bought part of a house lot of Tobias Coleman in 1685 and died shortly afterward. His wife was Jane, daughter of William Bunker.

Folger.

Reference may be had to the chapter on the Insurrection for much about the Folger family. Peter always wrote his name Peter ffolger. He died 1690, about 73 years old, leaving nine children.

He had a share of land granted to him in 1663, as a tradesman. His house lot is identified by a fountain erected to the honor of his daughter Bethia, the mother of Benjamin Franklin. It is on the extension of Main street, nearly two miles west from the bank. He was interpreter of the Indian language, miller, joiner and preacher.

Eleazer Folger was well versed in the Indian language. Several documents are on record in his handwriting in the language of the Indians. He married Sarah, the daughter of Richard Gardner. He died 1716, 68 years old, leaving seven children.

His house was located a few yards east of the Jethro Coffin house and was built not far from 1699. Jan. 3,

1699, he had a part of some swamps north of his house lot, set off to him.

John Folger was a son of Peter, and married Mary, daughter of Nathaniel Barnard. He was born on Marthas Vineyard, and died at Nantucket, 1732, leaving nine children. His home was at Polpis on the Fulling Mill Brook.

GARDNER.

Thomas Gardner settled at Salem, Massachusetts, about 1624.

His sons Richard and John became famous in the early history of Nantucket.

Richard Gardner married Sarah Shattuck and died 1688, leaving nine children. His house lot was around Wesco now called Lily Pond, so irregular in form as to be called the "Crooked Record." His house was on the west end of Sunset Hill, where is now the residence of Eben W. Francis. He was chief magistrate in 1673 and held other town offices. None of the old records are in his handwriting, from which it may be inferred that he was not educated. His signature is that of an unskilled person. He came to Nantucket as a seaman in 1665, and his house was probably the easternmost of that day.

Joseph Gardner had a half share of land as a shoemaker, and settled in Nantucket in 1667. He was constable, assessor and selectman each once. He was a son of Richard and died 1701, leaving seven children. His wife was Bethia, daughter of Thomas Macy. He probably lived within the limits of the "Crooked Record."

John Gardner, called Capt. Gardner, married Priscilla Grafton. He died 1706, 82 years old, and left a widow and 12 children.

His house lot was on the north side of the road which is now called North street, and included 30 acres, and extended from the road to the cliff. It was west of the Hamblin house. The characteristics of Capt. John are described in the chapter on the Insurrection.

William Gayer was a master mariner and married Dorcas, daughter of Edward Starbuck. He died in 1710, leaving two daughters, Dorcas who married Jethro Starbuck, and Damaris, wife of Nathaniel Coffin. His will mentions a son by a former marriage. Gayer was many times selectman, magistrate and assessor. His penmanship is a model. He came from the nobility of England. His first house was at the north head of Hummock Pond, where his father-in-law had conveyed him a lot. In 1683, he bought the tract bounded by Ash, Center, Chester streets and the bank, and built a house near Chapman avenue.

Stephen Greenleaf married Elizabeth, daughter of Tristram Coffin, and lived in Newbury. . In 1683 he sold half his interest to John Rolfe and the other half to Nathaniel Starbuck. The house lot drawn by him was north of Trott's Swamp.

Nathaniel Holland went to Nantucket in 1670 as a tailor. After staying there two years, he sold his estate to Capt. John Gardner and removed to Watertown.

Hussey.

Christopher Hussey lived and died in Hampton, N. H. Although one of the first purchasers, he never lived at Nantucket, and about 1671 he sold his lands to his sons John and Stephen.

John Hussey lived and died in Hampton in 1711, he sold his Nantucket lands to his brother Stephen.

Stephen Hussey was born in 1632 and died at Nantucket in 1718, leaving seven children. His wife was Martha, daughter of William Bunker. He received a good education and naturally took to law. Although it is not known that he was an admitted attorney. From the date when the Court records begin to his death there was seldom a session when he was not party or attorney. He lived in continual turmoil, although, singular to relate, he was one of the petitioners for a Friends Meeting, but he engaged in litigation with some of the members and was disowned in 1717. He was a master mariner, and sailed between Nantucket, Boston and New York. He was three times a constable and once selectman and assessor. He was convicted of smuggling ten gallons of rum, and his ten reasons of appeal show a very ingenious mind. He never failed to assert that justice could not be had on Nantucket because neither Judge nor Jury were entirely impartial.

He acquired the interest of his father, Robert Pike and others, and was the largest land owner of his day. The house lots assigned to Christopher Hussey and Robert Pike were on the west side of Trott's Swamp, but Stephen Hussey built three houses for himself and family, one on Federal street near Chestnut, another at Monomoy and a third at Shimmoo.

Look.

Thomas Look married Elizabeth, daughter of George Bunker. In 1677, Richard Swain sold to him his house and lot to take care of him.

Look never held any town office. About 1681 he sold all his lands at Nantucket and settled on Marthas Vineyard.

Macy.

Thomas Macy selected his house lot on the east side of the Reed Pond, which was then a creek, and extended from the north shore south to the road. At his death this lot was occupied by his son John. Eastman Johnson is now the owner of this section.

Macy left an estate worth £71 but claims against it were established so that it was insolvent.

The genealogy of the Macy family contains further information.

Mayhew.

Thomas Mayhew was born in 1591, and died at Edgartown 1681. He had one son Thomas who was lost on a voyage on his way to England in 1657. All his lands were sold to his daughter Bethia Way, who sold the same to William Vaughn. Although Governor Mayhew exerted a powerful influence on the early history of Nantucket, he never lived there and had no habitation on the island. The house lot assigned him was north west of Trott's Swamp.

William Pile was the name of one of the original purchasers, and he is described as living in Dover, N. H. Shortly after the organization of the Nantucket settlers he conveyed his interest to Nathaniel Boulter, who at once deeded the same, one half to John Bishop and the other half to the children of George Bunker. The name "Pile" cannot be found in the Dover records or elsewhere, and it may be that he was a Frenchman and the name as above given was not correctly spelled.

Richard Pinkham came from Dover, N. H. He died in 1718. He married Mary, daughter of James Coffin,

and lived on land owned by his wife's father. His house was near Maxey's Pond and later on Federal street, near Pearl. He left nine children, of whom eight were sons.

Pike.

Major Robert Pike who was a strong man in the History of Salisbury, was one of the first twenty owners of Nantucket but he never resided on the island. The house lot assigned to him was on the west side of Hummock Pond.

After an unsatisfactory experience with Tristram Coffin and Christopher Hussey in 1703, he sold his interest in Nantucket to Stephen Hussey.

Robert Pike.

"In the Province of Massachusetts Bay in New England:

To whom these presents may come, Robert pike of Salsbury as above sendeth greeting; know ye that whereas there hath some differanse arissen betwixt Stephen Hussey of Nantucket and myself concerning a Share of land upon nantucket which I formerly contracted with his father Christopher Hussey of hampton about When the first proceeding about the settling of the Iland nantucket were carrying on, Capt. Christopher Hussey at that time being about the year 1659 or 1660 or 61, did admit and take me in as partner with him in what then claime he had of the island of nantucket and the condition of our agreement.———made betwixt us was that if I the sd Robert pike should well and truly pay or discharge the sd Capt. Christopher hussey eight pounds being the charge which the sd hussey was out for one share or half what claime in nantucket he then made which was two shares or the tenth or leaveneth part of sd iland that then I should have hold posess occupy and for ever peaceably enjoy as of my demesne in fee or share of lands as above

in order to the payment of which eight pounds I payed three pounds to the company's order and I did think that I had answered the other five pounds howbeit Trustion Coffin, Senr, of Nantucket, as I came lately by Stephen Hussey to understand did sometime within three or four year after the English were settled upon the sd Iland of Nantucket take by way of distress from Capt. Christopher Hussey's Estate the sum of five pounds and did never so much as inform either my self or Capt. Hussey in his life time, whereby I had no opportunity so much as to distrest Capt. Hussey before he had conveighed his land out of his hand; Trustrom Coffin then declairing that he took the sd five pounds from Capt. Hussey for my debt, as I was partner with him the sd Hussey; So that as I never payed five pound of the eight so neither did Capt. hussey know anything but that I had payed the money, whereby I was made to forfit my condition made about the sd share of land above sd and neither Capt. hussey nor myself know of it and I can claime no more neither in law or equity then the proposition of what I payd and in Capt. Stephen hussey who I understand hath brought his father's right will acquit his claime in halfe a share and suffer my assigns quietly to possess and enjoy it: I shall set down there with content demissing, releasing and acquiting any claime made by me, my heirs, executors, administrators and assigns to anything relating to Nantucket or anything that hath bin depending betwixt his father and myself as touching any bargains covenants conditions alinations or partnershipp what so ever, to the day of the date of these presents relating to what is above written; to all which that is above written. I have set to my hand and affixed my Seal in the Second year of her Majestie's Reigne and in the year of our Lord 1703 or the 28th day of august one thousand Seaven hundred and three as before.

Robert Pike. (Seal)"

Savage.

John Savage was granted half a share of land as a cooper in 1672. He sold his land to Wm. Worth and moved away in 1674. His house lot was between No Bottom Pond and Crooked Lane.

Rogers.

William Rogers married Martha, daughter of Robert Barnard who conveyed to him 10 acres of land in 1678.

He never held any office, and about 1678 sold his lands on Nantucket and his name does not again appear on the records.

Rolfe.

John Rolfe came from Salisbury and owned half a share of land from Stephen Greenleaf.

In 1678 he sold his land to James Coffin and left the island.

His house lot was adjoining Thomas Macy's on the east.

Smith.

John Smith had a house lot between that of Tristram Coffin, Jr. and the North Cranberry Swamp. In 1674 he sold half his land to Stephen Hussey and half to John Coffin and moved away to Taunton. He was a brother in law to Stephen Hussey.

Starbuck.

Edward Starbuck came from Dover, N. H. He was an elder of the local church and was disciplined on account of his views on the subject of baptism. Thomas Macy who was also in discord with the local church took Starbuck as a partner. The latter was at Nantucket

during June and July 1659, and assisted in procuring the first Indian deed. He was on the island at times during the next two years and occupied a house which he had built at Maddaket. This gave rise to the story that the first site of the town was at the west end. He was a man of considerable influence, and was once candidate for Chief Magistrate. He was born in 1604 and died in 1690. His wife was Catharine Reynolds. He left four children only one of whom was a son. Edward Starbuck's house lot was about 1000 feet square, extending northward from the head of Hummock Pond to Maxey's Pond. His other children were:

Dorcas married Wm. Gayer,
Sarah married Benjamin Austin,
Abigail married Peter Coffin.

He seems to have been held in great esteem among the inhabitants.

In 1685 he conveyed half his lands to his son Nathaniel and the other half to his son in law, Wm. Gayer.

Nathaniel Starbuck, only son of Edward, was born 1634 and died at Nantucket 1719, leaving ten children. He married Mary, daughter of Tristram Coffin.

He was one of the strong men among the settlers and would have received more credit but for the superior intellect of his wife,—the great Mary Starbuck, who was certainly the founder of the Friends Meeting on Nantucket. Although her husband was "a man of no mean parts, she far exceeded him in soundness of judgment, clearness of understanding and in an elegant and natural way of expressing herself."

There is no character in the early history of Nantucket that so appeals to the imagination. But little remains except a single letter and the testimony of the pioneer Friends Ministers.

She died in 1717, having beheld the formation of the Nantucket monthly meeting of Friends.

The house of Nathaniel and Mary Starbuck was erected near his house lot but on a spot a short distance south east which was afterwards set off to him. It was a large house of capacity sufficient for meetings, both religious and municipal, and was called the "Parliament House." It was located a few feet west of the present Cornish Barn and was placed near the spring. The house lot of Nathaniel Starbuck was on the north west of the swamp, bounded north by that of James Coffin and south by the swamp and south west by the lot of Thomas Mayhew. By purchase from Greenleaf and others and by set off, Nathaniel Starbuck acquired a large tract around the north head of Hummock Pond. It is now comprised in the Cambridge farm.

Streeter.

Samuel Streeter come from Gloucester as a tailor. He was appointed in 1669 to transact some business with the Indians. A man by this name was drowned shortly afterward at the Vineyard and his name disappears from the records. His house lot which was granted to him was probably forfeited as he did not reside three years on the island.

Swain.

Richard Swain come from Dover, N. H., where he had married Jane Bunker, widow of George. He was born 1601 and died 1682. He was not an educated man and his signatures are by mark.

His house lot was on both sides of the cove formed by the north westerly extension of Hummock Pond. He never held any town office but performed labor for the town in

relation to sheep and cattle. He was married before coming to America and had four children by that marriage. The wife Jane, had two children, John and Richard. The latter it is said moved to New Jersey but he was administrator of his father's estate.

John Swain, son of Richard, was born 1633 and died 1717. His wife was Elizabeth, daughter of Nathaniel Wyer. He was once highway surveyor, four times assessor and once assistant magistrate. His house lot was on the north of his father and he probably lived there until his father's death, although he had a house at Polpis in 1677.

In 1680 he had bought land of the Indians at Poatpes, now called Polpis which was confirmed by the Governor at New York in 1684. He sold all his land near Hummock Pond including his house in 1687. His children were:

Mary married Joseph Nason who had built a house on Swain's west share in 1682.

Stephen married Experience, daughter of Peter Folger.

Sarah married Joseph Norton.

Joseph married Mary Sibley.

Elizabeth married Joseph Saville, also spelled Chevalier.

Benjamin married Mary Taylor.

Hannah married James Tallman.

Patience married Samuel Gardner, son of James.

John Swain was licensed by the town in Oct. 1677 to operate a Filling Mill near his house at Poatpes.

Trott.

John Trott bought land at Nantucket in 1682. He owned land in the Long Woods. He died 1728, leaving Tabitha, Joseph, Rachel, John, Benjamin, James, Mary, Abigail, and Priscilla. He never held any town office.

Vaughn.

William Vaughn was always called Major. He took no active part at Nantucket and never lived there. He belonged at Portsmouth, N. H., and was in the Indian war with Capt. Pike. He retained his Nantucket lands until his death in 1720, when they were sold by his heirs. His house lot was bounded east by that of Nathaniel Starbuck and was that which he bought from Thomas Mayhew.

Worth.

The usual tradition about three brothers coming over is true of this family. Lionel and William went to Salisbury and the other to that part of New Jersey along the Raritan River. William was born about 1640 and went to Nantucket where he married Sarah, daughter of Thomas Macy. They had one child John. After her death, William Worth married twice, but had no other children. He died 1724, having been five times selectman, three times assistant magistrate, four times assessor and many years Clerk of the Court.

John Worth, born 1666, married Miriam Gardner, daughter of Richard, and from this marriage came the Nantucket Worths. After her death he married two Vineyard women and from them came the other branch. He died in Edgartown, 1731.

He came to Nantucket as a sailor and received a half share of land as a tradesman in 1662. He had a fair education as will appear from the early records, much of which is in his writing. There were no clergymen at Nantucket during the first half century after it was settled and marriages were solemnized by Justices of the Peace. William Worth is reported to have been the magistrate at most of the marriages for many years before

his death. Thomas Macy sold him 1-4 of 1-2 a share of land in 1676.

His house lot was in the No Bottom Pond section, and bounded north by the Old Road, west by Crooked Lane. This lot extended from the Old Road south to the Main street extension. Grove Lane was cut through later.

Wyer.

Nathaniel Wyer who was called Goodman Wyer married Elizabeth, daughter of Richard Swain. He never took any part in the affairs at Nantucket. He died March 1, 1681, fifty years old, leaving an estate which was the first ever inventoried on the island. Sarah Wyer was appointed administrator. The inventory of the estate was £35, and among the articles were 1 Bible and 5 other books. His real estate was valued at £5.

His land was five acres in extent on the west side of Goodman Wyer's Pond, which is probably the present Maxey's Pond. Also five acres on west side of John Swain's lot, west of Hummock Pond. His daughter Mary married John Swain. This name was spelled in a variety of forms: Wyer, Wire, Waer, Ware, Weare, Weir, being the same name.

If a north and south line be drawn through Wesco, now called Lily Pond, the section east was divided into three sections, known to the early settlers as follows: The part north of West Chester street was called North Shore, that further south to the present location of the Town House was known as Wesco and the section still further south was named Monomoy. The meadows between Union street and the Asylum were called Quausue.

The locality near Thomas Macy's place was called Wannacomet. Tristram Coffin named his locality Cap-

pam or Northam, and the Starbuck farm was called Waquittaquage.

It is an interesting and difficult question to decide when a majority of the land owners moved from the Pond Country to Wesco. Richard Gardner and his family always lived around Wesco Pond.

The records indicate that while in 1682 Cappam Harbor was open and the account of a Quaker visiting the island intimates that this condition was existing in 1701, yet in 1720 a plan of the Tristram Coffin house lot shows that it was then Cappam Pond. During the interim the harbor has been separated from the sea. As the leading motive in settling at Cappamet was to be near a harbor, when this ceased to exist there would be a strong inducement to remove to the other harbor. About 1717 there was considerable activity in land transfers around the west end of the harbor, indicating the commencement of the change.

In 1678 Wesco Acre lots were set off. This section comprised 20 acres bounded by Federal, Liberty, Quince, Gay and Broad streets. This section was divided east and west into twenty strips, 80 rods long and 2 rods wide. This gave each strip an end on the harbor.

Center street was laid out when the division was made. The streets Quince, Hussey, Pearl and Rose Lane were laid out many years later. When this division was made Stephen Hussey had a house between Federal and Center streets near Chestnut and Nic. Davis had a house on Federal street farther south. The water extended to Federal and North Water streets.

When Wesco Acre lots were divided the section bounded by Broad, Center, Chester and North Water streets were allotted south to Thomas Macy: then next north William Worth: then John Gardner to Chester street.

In 1683 the William Worth and John Gardner interests were deeded to William Gayer and the latter built near the location of the Veranda House.

From this date until 1717, there is no indication of purchases in this section. But about this time and during the next few years, all the land included in the present town limits was divided, and this is probably the time when the great number of inhabitants settled around the harbor. The Fish lot section, bounded by Union, Main, and Pine streets was laid out in 1722 and Monomoy, next south, was laid out in 1726.

Owing to the fact that there was a change from Cappamet to Wesco about 1720, there are in the latter locality few houses built before that time except such as might have been erected on the land of Richard or John Gardner.

The Jethro Coffin house built in 1686 was on land that belonged to Capt. John Gardner. The Eleazer Folger house near by was built not far from 1699: and the house of Richard Gardner 3d now owned by Peter Brock about 1725.

The Drew house on Hussey street was built by Abel Gardner about 1733.

The Nye house on Liberty street was built about 1743 by Silvanus Allen a son in law of Jethro Starbuck.

The Josiah Coffin house at North shore was erected in 1724 by Capt. Josiah, and has remained in the family since.

Wesco, Fish-lots and Monomoy were rapidly built up subsequent to 1720. The houses in the locality first selected were destroyed or removed before 1800. A map drawn and filed in the Registry of Deeds, in 1821 delineates the roads laid out in that section directly west of the present town. Toward the west where the purchasers of of Nantucket established their houses were only four,

three of which, Jethro Folger's, Daniel Allen's and the Newbegin's, have since disappeared, the one remaining being that of Elihu Coleman's, and possibly none of which were ever seen by the first settlers. Houses are destroyed or removed and there is no trace left on the records.

Tradition says that material from Thomas Macy's house at Wannacomet is in the house which was erected on the corner of Liberty street and Walnut Lane and that of the Parliament House, the house of Mary and Nathaniel Starbuck was moved down to the corner of Pine and School streets and was owned by the late James Dustin. The sand storm and the rain have destroyed all marks of these houses and except occasional relics of brick or glass or chance excavation disclosing an old foundation, all identifications have been lost.

CHAPTER V.

Their Government.

The first settlers went to a land where no form of government had been established. The island was under some nominal control of New York, but little attention was paid to it. Consequently when the English purchased Nantucket, they carried with them the English common law, and as far as applicable, it was not difficult of enforcement. Crimes were punished by Mayhew and his associate judges, but there was a large class of offenses growing out of the presence of the Indians, that were not mentioned in any legal code. The attempt to found a grazing community where rights of pasturage were to be held in common in large tracts of land, developed a phase of relations, that had existed previously in England, but on a less extensive scale. These new conditions soon required regulations. There was no colonial government to enact the necessary laws, and so the land owners were their own legislature and court.

When they arrived at Nantucket, the adult male population was confined to the first purchasers. At once arrangements were necessary in relation to house lots, Indians, mills, and local affairs. There was no town or municipality—and no provision concerning the qualification of voters. As long as the land owners comprised the male population, no regulation was demanded. But this question was certain to arise, and in 1663, there was a meeting "of the inhabitants and freeholders, and it was determined and concluded that all orders that concern the prudential affairs on ye iland shall be enacted and con-

cluded so as to stand authentick by the voice of all the present inhabitants, *being freeholders*, that either are or shall be dwelling here, provided, that if any person being legally warned shall not by his absence nullify or hinder the proceeding." Here was stated the qualification. The voter must be an inhabitant and land owner. This provision was never repealed. Nantucket was annexed to the Province of Massachusetts in 1692. The records indicate that the "land qualification" was in force until that date, and for many years later the town meetings are called meetings of the "Freeholders," and the town continued to deal with land until 1716, when the town as a Corporate Body and the land owners as a Proprietory were separated. The admission of residents to town meetings, regardless of the foregoing qualification, was gradual and probably not complete until about 1716.

During these years when the government was in the control of the land owners, only such persons could hold office.

No religious qualification was ever required, and until 1716 any mention of religion appears only twice in the records. In 1680, Capt. John Gardner was accused of forbidding some Quakers holding a meeting on the island. In 1678 some men were fined for going out in company on the Lord's Day. No mention of any kindred subject is found until 1716, when the Meeting House is designated as one of the places for posting notice of town meetings. Appropriations for support of the Minister, so common in records of Massachusetts towns, are lacking at Nantucket.

Only occasionally do the records indicate where town meetings were held; no doubt at first the houses of the land owners were occupied.

In 1667 there is mention of a meeting in the "Parliament House," which was the residence of Nathaniel and Mary Starbuck. Meetings were also held at the houses of

1475174

Nathaniel Barnard and Geo. Bunker, and at Wesco in the house of Richard Gardner. The town voted in April, 1707, to have the town house repaired, and Jan., 1716, the town voted to build a town house 34x24 on the hill between William Stratton's and George Bunker's, near the house of the former and notifications of meeting were to be posted on the Town House and Meeting House. This location was between No Bottom Pond and the road called West Chester street. The location of the first town house cannot be identified. Possibly the facts that about this time a larger house was needed and the land owners had separated from the town in managing their affairs, may indicate that near this date the Freeholders ceased to control town affairs and others were admitted according to the laws of the Province. Thus from the date of the settlement, the Nantucket land owners continued what was in fact, a town government until they obtained the Lovelace Patent, dated June 28, 1671. This was not only a grant of the island to Coffin and Macy and their associates, but it constituted them "an entire enfranchised township, with like and equal privileges with any town, but in all matters to be ruled, ordered and directed according to instructions allready as to be hereafter given."

According to order dated April 18, 1673, the town was named *Sherborne*.

The instructions for the government of Nantucket followed a petition of the inhabitants and were supplemented by others two years later.

PROPOSALS TO YE GOVERNOR FROM YE INHABITANTS OF NANTUCKETT ABOUT SETTLING THAT GOVERNMENT.

Imprimis, Wee humbly propose Liberty for ye Inhabitants to chuse annually a Man or Men to be Chiefe in ye Goverment, and chosen or appointed by his Honor to

Stand in place, constantly invested with Power of Confirmacion by Oath or Engagement, or otherwise as his Honor shall appoint, one to be Chiefe in ye Cort and to have Magistraticall Power at all times with regard to ye Peace and other necessary Consideracions.

2ly. Wee take for granted yt ye Lawes of England are Standard of Government, soe farre as wee know them, and are suitable to our Condicion; yet wee humbly propose that ye Inhabitants may have Power to Constitute such Law or Orders as are necessary and suitable to or Condicon not repugnant to ye Lawes of England.

3ly. In point of carrying on ye Government from Time to Time, wee are willing to joyne with or Neighbor Island ye Vineyard, to keep together one Cort every Yeare, one Yeare at or Island, ye next with them, and Power at Home to End all Cases not exceeding 20 lb; And in all cases Liberty of Appeal to ye Generall Court in all Actions above 40 lb; And in all Actions amounting to ye vallue of 100 lb. Liberty of Appeale to his Highness his Court at ye City of New York; And in Capital Cases, or such Matters as concerne Life, Limbe, or Banishment. All such cases to be tryed at New Yorke.

4. And feeling ye Indyans are numerous among us, Wee propose that our Government may Extend to them, and Power to Summon them to our Courts with respect to Matters of Trespass, Debt, and other Miscarriages, and to Try and Judge them according to Lawes, when published amongst them.

And lastly, some Military power committed to us, respecting our Defence, either in respect of Indyans or Strangers invading etc.

THE ANSWER TO YE NANTUCKET PROPOSALS.

At a Councell held at Forte James in New York, ye 28th day of June in ye 23rd years of his Ma'ties Reigne, Annoq Dom. 1671.

In Answer to ye Proposalls Delivered in by Mr. Coffin and Mr. Macy on ye behalf of themselves and ye rest of ye Inhabitants upon ye Island Nantuckett: The Governor and Councell doe give their Resolutions as followeth, vizt:

Imprimis, As to ye first Branch in their Proposalls, It is thought fitt yt ye Inhabitants doe annually recomend two persons to the Governor, out of ye whch hee will Nominate one to be ye Chiefe Magistrate upon that Island, and ye Island of Tuckanuckett near adjacent for ye Yeare ensueing; who shall by Commission bee Invested with Power accordingly.

That ye Time when such a Magistrate shall Enter into his Employment after ye Expiracion of this first Yeare, shall Commence upon ye 13th day of October, being his Royall Highness his Birthday, to continue for ye Space of one whole Yeare, and that they Return ye Names of ye two Persons they shall recommend three months before that Time to ye Governor.

That ye Inhabitants have Power by a Major Vote annually to Elect and Chuse their inferior officers, both Civil and Military; That is to say, ye Assistants, Constables, and other Inferior Officers for ye Civil Government, and such inferiour Officers for ye Military as shall be thought needful.

2ly. The second Proposal is allowed of; That they shall have Liberty to make peculiar Lawes and Orders at their General Court for the well Government of ye Inhabitants ye wch shall bee in force amongst them for one whole Yeare; Dureing wch Time if noe Inconvenience doe appeare therein, They are to Transmitt the said Lawes or Orders to ye Governor for his Confirmacion. However, they are (as neare as may bee) to conforme themselves to ye Lawes of England, and to be very cautious they doe not Act in any way repugnant to them.

3ly. To ye 3d, It is Granted, That they joyne with their Neighbors of Martin's Vineyard in keeping a Generall Court between them once a Yeare, ye said Court to be held one Yeare in one Island, and ye next in ye other, which ye Chiefe Magistrate in each Island where the Court shall be held, is to preside, and to Sitt in their respective Courts as Presid't but withall That upon all occasions hee Consuel and Advize with ye Chiefe Magistrate of ye other Island.

That ye said Generall Court shall consist of ye two Chiefe Magistrates of both Islands, and ye foure Assistants, where ye Presid't shall have a Casting voyce; for ye Time of their Meeting, That it bee left to themselves to Agree upon ye most convenient Season of ye Yeare.

That in their Private Courts at Home, wch are to be held by ye Chiefe Magistrate and two Assistants where ye Chiefe Magistrate shall have but a single Voyce, They shall have Power finally to determine and decide all Cases not exceeding ye Valluue of 5 lb. without Appeale, but in any Summe above that Vallue, They have Liberty of Appeale to their Generall Court who may determine absolutely any Case under 50 lb. without Appeale, but if it shall exceed that Sume, ye Party aggrieved may have Recourse by way of Appeale to ye Generall Court of Assizes, held in New Yorke.

And as to Criminal Cases, That they have Power both at their Private Courts at Home, as well as at ye Generall Court, to inflict punishment on Offenders soe farre as Whipping, Stocks and Pilloring, or other Publick Shame. But if ye Crime happen to bee of a higher nature, where Life, Limbe or Banishment are concerned, That such Matters be Transmitted to ye Generall Court of Assizes likewise.

4. In Answer to ye 4th, It is left to themselves to Order those Affayres about ye Indyans, and to Act therein

according to their best discretions, soe farr as Life is not concerned; Wherein they are also to have Recourse to New Yorke, but that they bee carefull to use such moderacon amongst them, That they bee not exasperated, but by Degrees may be brought to be comformable to ye Lawes; To wch End, They are to Nominate and appoint Constables amongst them who may have staves with ye King's Armes upon them, the better to keep their People in Awe and good Order, as is practized with good success amongst ye Indyans at ye East end of Long Island.

To ye Last, That they return a Lyst of ye Inhabitants, as also ye Names of two Persons amongst them; out of whom ye Governor will appoint one to bee their Chiefe Military Officer. That they may be in ye better capacity to Defend themselves against their Enemys, whether Indyans or others.

NANTUCKET AFFAYRES.

Additional Instructions and Directions for the Government of the Island Nantuckett, sent by Mr. Richard and Capt. Jno. Gardner, April ye 18, 1673.

Imprimis, That in regard ye Towne upon ye Island of Nantuckett is not known by any peculiar or particular Name. It shall from henceforth bee called and distinguished in all Deeds, Records and Writings by the Name of the Town of Sherborne upon the Island Nantuckett.

That all Ancient and Obsolete Deeds, Grants, Writings, or Conveyances of Lands upon the said Island, shall bee esteemed of noe fforce or Vilidity, but the Records of everyones Clayme or Interest shall beare Date from the first Divulging of the Patent granted to the Inhabitants by Authority of his Royall Highness and soe forward, but not before the Date thereof.

That the Time of Election of the Chiefe Magistrate, and other Civil Officers, bee and continue according to the

Directions and Instructions already given, but in regard of the Distance of the Place, and ye uncertainty of Conveyance betwixt that and this Place, ye Chiefe Magistrate, and all the Civil Officers shall continue in their Employments untill the Returne of the Governor's Choice and Approbacon of a new Magistrate bee sent unto them, which is to be with the first convenient Opportunity.

That in case of Mortality, if it shall please God, the Chiefe Magistrate shall dye before ye Expiration of his Employment, the Assistants for the Time being shall manage and carry on ye Affayres of the Public until the Time of the new Election, and ye Governor's Returne and Approbation of a new Magistrate in his Stead.

That the Chiefe Military Officer shall continue in his Employment during the Governor's pleasure, and that he have Power to appoint such Persons for inferior Officers as he shall judge most fitt and capable.

That in case of the Death of the Chiefe Military Officer during the Time of his Employment, that then the Inhabitants doe forthwith make Choice of two Persons, and return their Names unto the Governour, who will appoint one of them to bee the Officer in his Stead.

That in regard to ye Generall Court to bee held in ye Island Nantuckett or Martin's Vineyard is but once in ye Yeare, where all Causes or Actions are tryable without Appeale to ye Sume of fifty Pounds. Liberty bee granted to try all Actions of Debt or Trespass at their ordinary Courts to the value of ten Pounds without Appeale, unless upon Occasion of Error in ye Proceedings there bee cause of Complaint from ye ordinary Court unto the Generall Court, or from the Generall Court to the Court of Assizes.

That what is granted in the Generall Patent to the Inhabitants, ffreeholders, of the Island Nantuckett is to bee understood, unto them alone who live upon the Place

and make improvement thereof, or such others who having Pretences of Interest shall come to Inhabitt there.

Given under my hand at Fort James, in New York, the Day and Yeare afore written; in ye 25th yeare of his Majesty's Reigne.

The records show that the purchasers reached Nantucket between May 10, 1661 and the 15th of the following July.

The first business was that of drawing lots for houses.

Sept. 1662 it was ordered that the land which had been sold to the Indians should pay 5 shillings per week.

12-1663.

It was agreed and concluded that all men that have Cattell or any other estate on the yland shall be lyable to pay all necessary publike charges; as well those that Inhabit not on ye yland as those that Inhabit.

At the same meeting an order was made that no man shall fell or make use of any timber on Cowatu except it be for building houses upon the penalty of ten shillings for every tree impred to any other use. It is farther ordered that if any inhabitant have any other necessary occasion for timber there he shall not make use of any but by liberty from the town.

Feb 12, 1663.

At a meeting of the inhabitants of the yland it was ordered and concluded that a rate of fourty shillings shall be pay'd with respect to ye Constable in corn or goods within one week.

The same day it was ordered and concluded that warning shall be given to all the Indians to kill all the dogs among them; and it is hereby concluded that if any dog or dogs be found alive after 10 days that the owner of such dog or dogs shall pay to ye English 20-s. every dog.

March 1, 1663:

The same day it was agreed that John Coleman shall have land layd out on the north side of the lot of Robbert Bernard for ye use of the sd John Coleman his ffather Thomas Coleman haveing given halfe his accommodations on ye yland half the house lot to be layd out in the place before mentioned for John Coleman the aforesd Thomas Coleman doth lay downe one-halfe of his lot already layd out.

Thomas Macy doth engage himself as one of the number of tradesmen as namely to supply the occasions of the yland in the trade of weaveing for ye benefit of the Inhabitants as well as of himselfe and hath a tradesman's share of accommodation graunted to him in consideration thereof; answerable to William Worth and ye rest.

Also it is hereby graunted liberty to any Inhabitant to make use of timber there to make folds for sheepe or goats.

Sept. 1664.

At a meeting of the Inhabitants Richard Swaine and Thomas Coleman were chosen surveyors of the highways for ye yeere insuing;—the aforesaid surveighors are empowered to give legall warning to all the Inhabitants to appr on such day or days as they sd occasion and to fine any man not apping on the day they appointt 2s 6d, except lawfull excuse be made.

September
2, 1664.

At a meeting of the Inhabitants an order was agreed on to allow Peter Coffin liberty to trade on this yland at present, and to phibit all others except Nic. Davis, to trade one hundred bushels of corne when he comes or sends to gather in his debts.

Sept. '64.

At a meeting of the town at wesquo it was agreed that the clerk shall have for his wages twenty shillings p Ann. beginning at ye yeere 62.

Sept. 7, 1664.

At a meeting of the Inhabitants it was agreed and concluded that the lot layers shall be payd four pence p acre for their laying out the lots at wesquo.

October, 1664.

At a town meeting It was agreed and concluded that of any land or any pt of this yland be fired by the Indians so that the land or grasse be burnt to any considerable value as to a quarter of a mile or more, the Indians in what jurisdiction soever it be, shall be fined 20 pounds, except it be in the moneth of April.

October, 1665.

At a legall meeting on Nantukket agreed and concluded to build a horse mill on the yland with all convenient space and to this end to levie the summe of 50 lbs. on the estates of the purchasers and Inhabitants to be payd in wheat or barley at price currant or neat cattle prised by indifferent men, or such other pay as shall sute the occasion, to be payd at or before the first of October next to be raised by an equal rate: And if any of the purchasers or owners not at present inhabiting here shall refuse to pay their pportion according to ye rate the Inhabitants do agree and conclude that no man inhabitting on the yland shall from thenceforth take any charge of the cattel of the pson or psons so refusing under the penalty of ten pounds. And for ye carrying on of this worke John Bishop is appointed undertaker and overseer and to take the worke

of such men of the Inhabitants as he shall think meet and the Inhabitants are hereby engaged to attend the worke according to his appointment John Rolfe and Thomas Macy are appointed to gather thaforsd rate for ye end aforementioned. The pportion is fourty shillings to a whole share.

At a meeting of Nantukket the Inhabitants agreed to dig a trench to drain the Long pond both with regard to a weare for taking fish and also for making meadow, the worke is to be carryed on thus the one halfe of the worke to be done by the Indians and the other halfe by the English Inhabitants or owners, the Indians to have half the fish so long as they attend the weare carefully and honestly.

March, 1666.

Upon further consideration it was decided to build a tide mill instead of a horse mill.

Feb. 15, 1667. Every Indian to kill his dogs before March 10, or be fined; and Nathaniel Barnard and Isaac Coleman were chosen with the Indians Obadiah and Washaman to carry this order into effect.

1668. William Bunker engaged to maintain a mill and to have two quarts for every bushel he grinds.

At the same meeting, no more green wood shall be fallen in the Long Woods except what was taken for rails and fence.

An order was made that henceforth no timber shall be fallen for building except in the first two weeks of June.

July 13, 1668. The commons shall be "stinted" at the rate of 40 head of neat cattle to a share, and one horse to be equal to two cows.

The Clerk was to receive from each freeholder 12 pence per year.

Aug. 14, 1668. All who have an interest on the Island, whether residents or not, to pay their share of the public expenses.

Nov. 11, 1668. The inhabitants who have upland shall pay their taxes for the mill or their land shall be taken.

Jan. 16, 1668. The Indians living on Pawquomok Neck shall pay 5-s up to the present date, and shall pay 5-s a week as long as they stay on said Neck.

Feb. 12, 1668. Nathaniel Starbuck and Nathaniel Barnard were to travel over the commons, and if any man were pasturing more cattle than his proportion allowed they were to enforce the fine.

Feb. 12, 1668. Thomas Tray was fined 30-s for the trespass of his horse on the commons. At his request it was reduced to 15-s on condition that he pay at once. He was in default, and Thomas Macy was ordered to collect the 30-s by taking Tray's horse.

1669. The Inhabitants were ordered to keep a smaller number of animals on the common, as it was found by experience that

"horses are like to be the ruine of the neat cattle, and the multitude of goats very hurtful."

May 10, 1669. If any Indians hurt and disturb cattle to be fined 5-s and "for proof hereof either Indian or English testimony shall suffice."

June 29, 1669. The Island to be cleared of horses, and the same be taken off the Island before the last of November next.

No horse shall be sold to any Indian.

40 sheep or goats were allowed to be kept on the commons for one share.

July 23, 1669. Each owner of a whole share shall sow a bushel of grass seed on the common each year.

No Indian to carry off wood from any part of the land purchased by the English.

Sept. 17, 1669. Persons pasturing horses on the commons to prove their right.

Oct. 17, 1669. Wreck goods found on the shore to be carefully held for the Owners, and shall be kept a year and a day before being disposed of. And Indians and Englishmen shall give notice to the prudential men of all wrecks.

Oct. 17, 1669. William Bunker was to receive the first payment for keeping the mill, which was to be three pounds, before the middle of April.

Nov. 20, 1669. The prudential men were authorized to lay out highways.

A bargain was made with Nathaniel Barnard and John Coffin to build a pound before the end of next June, to be paid for from the taxes. It was to be built near Cuppamet and to be four rods square. (A pound is an enclosure provided for imprisoning animals that are straying away from the owner. It is usual that a fine shall be paid before the animals are returned to the owner.)

John Rolfe and John Swaine were chosen "surveighers of the fences" and to examine all fences and order them to be repaired when insufficient.

Three prudential men are to be chosen to manage the government of both English and Indians.

Thomas Coleman and John Rolfe to view the sheep and rams and order the owners to dispose of such as are not fit to be kept.

Joseph Gardner and the clerk to examine all cattle carried off the Island.

Stephen Coffin to keep the pound "when once there is a lock to it, and he is to have two pence a time for turning the key to lock or unlock the pound."

If any man alters the ear-mark in a sheep, although it be his own, without notice to the prudential men, he shall be fined.

Jan. 23, 1670. Edward Starbuck, John Swaine, Nathaniel Starbuck and William Worth to make a pair of mill-stones and bring them to the mill ; they to be paid in corn at harvest at the rate of two shillings and sixpence a day for each.

Mch 20, 1671. Nathaniel Starbuck, John Swaine, Nathaniel Barnard and John Coffin to report on the number of cattle pasturing on the common.

Land owners to be responsible for the maintenance of any persons they invite to live on Nantucket.

Mch 6, 1670. A wild dog seen about the town for several years if killed within a week 30-s to be paid ; if after two weeks 25-s.

Mch 6, 1670. Edward Starbuck and Thomas Macy, with Tristram Coffin as an associate, under objection of Richard Swaine, were given license to maintain a fishing weir in Long Pond.

June 24, 1670. The taxes should be levied one-half on land and the other half on stock without consideration of sheep or goats.

July 18, 1670. Regulation about goats and lambs being carried to Tuckanuck and Coatue.

[illegible]

July 28, 1670. The prices for the year were to be
Wheat, 4-s per bushel;
Barley, 3-s 6-pence per bushel.
Rye, 3-s "
Indian corn, 2-s 8-pence "
Any man fined for selling over or under these prices.

Aug. 1670. Inhabitants fined for not attending meetings.

No Indian servant to be brought to any English on the Island.

1670. No horse or colt to be landed on Nantucket under penalty of ten pounds.

A half share of land was to be granted to any man who would build a mill, and William Bunker undertook to do the same against the objection of Tristram Coffin.

Nov. 30, 1670. No hogs to be placed upon any land belonging to any Indiand.

Apr. 7, 1671. Thomas Macy, Edward Starbuck, John Rolfe and Peter Folger were chosen to complete the assessment of taxes.

Oct. 16, 1671. Thomas Macy was to have five pounds for going to New York.

June 8, 1671. John Swaine, Nathaniel Starbuck and Eleazer Folger were to go among the Indians and arrange with them for the damage done their Indian corn by the English cattle.

July 9, 1671. Goats to be brought to the pound to be counted.

Jan. 1, 1672. All house-lots between Cuppame harbor and Richard Swaine's To be fenced.

Jan. 1, 1672. Arrangements to be made with some person to superintend the cattle at Cuppame beach at South Shore.

Wauwinnet, son of Nickanoose, hath liberty to buy a horse.

April 4, 1672. Nathaniel Barnard and William Bunker to carry all steers to Cotuit next Tuesday.

Dec. 6, 1672. A town meeting to be called if any two freeholders shall request the same.

Aug. 3, 1672. Sheep and rams to be marked before the 15th of November.

No cattle to be transported from the Island before examination of the prudential men.

No more goats to be kept upon the Island, and 20 sheep to be apportioned to each share.

Jeptha hath liberty to buy a horse.

Mch. 23, 1672. Thomas Coleman to keep cattle upon the plain at the rate of eighteenpence a day.

Nathaniel Starbuck and John Coffin to arrange with Indians or Englishmen what is needful about keeping the cattle at the end of Thomas Coleman's time.

Mch. 9, 1672. Each sheep owner was given a wool mark, which was in addition to the ear-mark.

1675. The following prudential orders were adopted.

1. Every inhabitant to be fined eighteen pence for non attendance at town meeting.
2. Turbulent and disorderly behaviour in town meeting punished by fine.
3. Thirteen persons to be a quorum.
4. All dogs more than four months old shall be muzzled, or his owner could be fined.
5. No pig or hogs should be left without guard of some sufficient fence.

Three of the Selectmen or two of them and one Freeholder could call a Meeting of the town.

1675. Any person "leagally warned," come not to meeting within one hour after the time appointed, shall pay 18 pence "if wel and on the iland." Turbulent and disorderly persons at town meetings may be fined for first offence 5s: for 2nd 10s. and 20s. for third.

That no person or member of the town shal directly or indirectly entertayn any person Except as a stranger or way faring man or woman, without leave, had and obtayned from the town that so the town may secure themselves from charg, but if any shal notwithstanding intertayn any

except as aforesayd they shal pay for every days intertaynment so Given 20-s to be improved for publike Use.

That no person shall Receive any person into the town as a Tenant in house or land, but he shal give security to the town to free the town from publike charg with such Tenant. Under the penalty of 40-s for every Weeke's neglect, to be improved to publike use.

All hogs to be marked with the owner's name.

No inhabitant to entertain any person except as a stranger or wayfaring man, without leave, so that the town may secure themselves from charge.

No inhabitant shall receive any person into the town as a tenant in his house or land before he shall give security to the town for the charge of such person.

Aug. 2, 1680. Any man cutting grass on the common to pay two shillings per load.

June 17, 1778. John Gardner, John Coffin and Nathaniel Barnard elected prudential men. They were to make rates, see that the commons were fenced, the pound repaired, and that all rams be carried off and brought on in season, and to superintend the grazing.

Jan. 9, 1679. If any man legally chosen refuses to be an assistant, to be fined three pounds.

Joseph Coleman engaged to warn the town for one year, for 16-s to be paid from the taxes.

Jan 19, 1679. The town meeting was held at the house of Nathaniel Barnard.

Nov. 10, 1679. The new mill-stones to be paid out of the public taxes, and the dam to be repaired at the charge of the town.

Nov. 10, 1679. Voted that the scow shall be mended at the charge of the town.

At the same meeting Sarah Needfeld was ordered to be sent to her home in Plymouth County unless somebody would be responsible for her maintenance.

Aug. 2, 1680. Any unmarked sheep may be killed or the finder shall have them.

CHAPTER VI.

The Courts.

Book No. 2 in the Register of Deeds contains the earliest records of a Court on Nantucket. The first case is dated Sept. 21, 1672, in which John Savage sues Jeptha the Indian for a debt. This was ten years after the settlers had reached the Island. It cannot be assumed that during this decade the inhabitants needed no Court, that sailors coming in trading vessels and the Indians unfamiliar with the Anglo Saxon legal code should exhibit conduct which never required punishment. Indeed a stray item appears in Book No. 1 to the effect that Feb. 12, 1668, Thomas Tray had been fined thirty pounds for allowing his horse to go on the Commons. Consequently it may be inferred that there was some sort of a Court before 1672. But if such Courts had records, they are either lost or destroyed.

When Peter Folger was imprisoned, as described in the Chapter on the Insurrection, Tristram Coffin complained that Folger had the Small Book of the Courts, and from this it is clear that there was a large Record Book which must have been Book No. 2, but that there was a Small Book containing Court Records. Quite likely it may have recorded proceedings before 1672. This book would be of inestimable value for investigating the relations of the early settlers among themselves, but no mention of the book is found since the time when Peter Folger was in jail for concealing it. So it may never be known how the first Court was constituted; who was the Judge and Clerk. But this much is certain, that in 1671

the administration of the law which had been observed for ten years was found inadequate to the requirements of the Island population and a communication dated June 28, 1671, was forwarded to the Authorities in New York for a change, and a reply was received, in which a system of Courts was arranged which continued in force until Nantucket was annexed to the Province of Massachusetts. It was essentially an elective Judiciary with a term of office of one year. Reference may be had to the Lovelace Instructions.

The first election for Magistrates was held April 15, 1672, and the names of Edward Starbuck and Richard Gardner were submitted to the Gov. at New York, and Richard Gardner was chosen by the Governor.

Thomas Macy was the next Chief Magistrate.

Tristram Coffin the third and Capt. John Gardner the fourth.

Assistant Justices were: Peter Coffin, Lieutenant; John Coffin, Nathaniel Barnard, John Swain, William Gayer, Eleazer Folger, William Worth, Capt. John Gardner and James Coffin.

Peter Folger was appointed Clerk 1673, and after the Insurrection William Worth.

It is impossible to determine where the Courts were convened, but a few of the references state that they were held in the house of the Chief Magistrate, but probably when it was in repair, they used the Town House.

A careful observer of the Court Records will notice that in nearly nine tenths of the cases either Stephen Hussey or some Indian was a party, and if these were omitted from the calculation, the Court would not have had an average of one case per year.

A discussion of the Indian cases will be given in the chapter on the Indians. A large proportion of the cases

in which Stephen Hussey appears as a party were against Indians in action of debt.

The Court exercised jurisdiction over all matters civil, criminal, probate and appeal from Indian Courts in which the penalty did not involve forfeiture of life. It is recorded that in the history of Nantucket several Indians were executed for murder, but no white man. In the early days the crimes of Englishmen were mostly confined to cases of drunkenness and breaches of the peace. The penalties were fines, imprisonments, whipping and the stocks.

In Dec. 1673, a company of sailors were convicted of "contemning of the kings Authority in drawing other men to deliver a man by force out of the hands of authority," and were punished by fine and whipping. They were John Glover, Richard Goodridge, Edward Case, Philip Tucker, William Peprill, William Pierce, Edward Bennett, Nicholas Payn, Andrew Samson and Edward Cowles.

Stephen Hussey charged with "contempt and presumption" in saying to Captain Gardner "meddle with your own business, I gave him leave for his hogs to do so." At the trial Stephen was convicted not only of this offence but in "disorderly speaking in Court, charging the Court presumptiously." He had accused the Magistrate who took some depositions in neglecting to write down all the witness said. He was fined thirty shillings for the offence and forty for contempt of Court.

Thomas Look was a field driver and had impounded some of Nathaniel Starbuck's cattle which the latter removed unlawfully. The owner was fined thirty shillings and fees of Look who was called a "heyward."

Edward Cartwright's first experience in Court occurred in Dec. 1676, when he was accused of "speaking contemptuous words against authority. He was admonished and ordered to pay the fees of the Clerk."

Nov. 16, 1676 the Court hired William Bunker to keep

the prison for one year and agreed to pay him "foeur pounds halfe in wheat the other in other graine."

The location of the prison or jail can be approximately determined. There is a tradition that it was located on rising ground near the roadside northeast of No Bottom Pond in the same locality with the Town House and Meeting House. It is known that William Bunker lived very near this place, and that the public buildings were on land afterwards owned by one Bunker. The location fixed by the Historical Association is correct.

John Challenge was found guilty of fighting March, 1678, and later was admonished.

The first appointment of an administrator took place in May, 1678, when Stephen Hussey administered on the estate of Peter Rolfe.

In 1678 Edward Cartwright was convicted of being drunk and paid a fine of ten shillings.

Samuel Bickford was admonished "for being from his home in company adrinckinge on the first day."

June 1679 James Skiffe and Edward Cartwright were convicted of fighting near the house of Thomas Look and at the house of James Coffin and were fined ten shillings each, although the next month Skiffe was chosen marshall.

September 1679, Dennis Manning was fined five shillings and ordered "in the stocks on our trayning day," "for being drunck or inordinate drincking."

December 1679, Stephen Hussey was accused of cutting down and carrying away timber from "Maskotuck." John Swaine, Eleazer Folger, Joseph Gardner and John Macy refused to serve on the Jury. The result is not recorded.

The first inventory was that of the estate of Nathaniel Wier in which appeared "an old bibell and five other books."

Steven Hussey was fined 20 shillings for reproachful words spoken of the constable and overseers, when the

officers seized liquor that he was attempting to smuggle. Later he was fined £10 for contempt of Court.

John Swaine had been arrested for striking Nathaniel Gardner and he appeared and "ingeniously acknowledged the offence and was sorry and the Court took satisfaction."

Edward Cartwright was fined £5 in August, 1682, for "Retayling strong drinck to the Indians."

During the year 1683 the Court had plenty of business. Stephen Hussey sued Joseph Gardner the constable for unlawfully seizing ten gallons of rum. Gardner's defence was that Hussey was attempting to land it without paying duty. Later Hussey lost his case.

A man named "Mr. Robert Guttridge" was fined for selling rum several times.

Joseph Coleman had spoken "contemtious" words against authority and had to pay a fine.

Mary Nason had stollen some goods from a warehouse, consisting of some "linning" cloth according to her confession, she was fined £3 or be "whipt." Later the fine was reduced.

Sept. 1686 Ralph Earl was fined £25 for carrying away "Racked goods," such as pork and "dear scines."

The town was ordered to build a prison within three months.

In Oct. 1694, Edward Allen was fined "for selling rum to the Ingions."

May 1695, there was some arrangement about alarming the inhabitants at the approach of enemies, possibly the French.

Stephen Hussey did not appear at an alarm and the sentence of the Court was that he "would procuer on good fier lock goon for his Majestis servis for the town. It being the first time Stephen Hussey desired time to consider, and it was granted." He neglected to procure

the gun and was fined £5 or imprisonment for three months.

In March, 1697, Mary Mason paid "ten shilens" for breach of the Peace, and Edward Cartwright recovered ten shillings against Stephen Pease "about a mare."

The last session at which any Englishmen appeared before the establishment of the Court of Common Please in 1720, was in Oct. 1717.

Nathan Folger and Jeremiah Gardner were licensed "to retail strong drink and they gave bonds in the sum of £5."

Jonathan Pinkham was constable and his duty led him to search the house of Stephen Pease for strong drink, but "Pease took an ax in his hands and swore he would cleave him down if he came to search his house, and uttered many profane oaths." Pease was fined 10 shillings and placed under bonds "for his good behavior."

The last case of Stephen Hussey was decided at this term.

It was brought against James Coffin, Stephen Coffin and James Gardner because they impounded 95 of Hussey's sheep which he claimed he had a right to pasture where they were arrested. The defendants raised some technical objections and the case was dismissed.

Stephen Hussey died the next spring and was buried in the cemetery controlled by the Friends whose views he and John Swain his brother in law seem to have adopted as early as April, 1682, when they refused to qualify as selectmen by "swearing," and as there was no law for affirmation, the town chose Nathaniel Barnard and Stephen Coffin in their places. Like the stormy petrel, Hussey was always the harbinger of strife and commotion. In his will he specifically bequeathed his law library to his son Bachilor for the use of his son Stephen when he should become of age.

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